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From: Benson, William
Sent: Tue 3/28/2017 6:45:30 PM
Subject: RE: 3/28 headlines

Thank you for bringing to our attention - appreciated. Bill

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Sent: Tuesday, March 28, 2017 1:31 PM
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Subject: FW: 3/28 headlines

See 2nd topic

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Subject: 3/28 headlines

EPA General

EPA's Buyout Program Could Bolster Trump's FY18 Restructuring Plan Inside EPA

March 28, 2017

EPA's Inspector General (IG) has found that the agency has made steady progress to attain its 2014 restructuring goals using a voluntary buyout program, potentially bolstering efforts by the Trump administration to use the program to significantly scale back the agency's workforce in fiscal year 2018.

In a [March 23 report](#), the IG found that EPA used its Voluntary Early Retirement Authority (VERA, or "early out") and its Voluntary Separation Incentive Payment Authority (VSIP) in 2014 to get 456 employees to voluntarily leave the agency, and paid out \$11.3 million in incentives, while the employees accepted payments of up to \$25,000 each.

"This helped the agency accomplish certain restructuring goals, including reducing the size of program and regional offices, reducing the number of highly graded positions, and eliminating surplus positions," the IG writes.

However, it finds that "not all workforce restructuring goals had been achieved" at the time of the review, though two of five EPA organizations reviewed reported that all VERA-VSIP-vacated positions planned for restructuring had been filled: "Overall, approximately 80 percent of the positions -- 57 of 73 -- in our sample targeted for restructuring had been filled."

While the IG found that EPA used its VERA-VSIP authority in 2014 to help it "accomplish certain restructuring goals, including reducing the size of program and regional offices, reducing the number of highly graded positions, and eliminating surplus positions," and made progress in filling positions designated for its restructuring efforts, "not all workforce restructuring goals had been achieved at the time we concluded our review" -- such as increasing the number of staff per supervisor and obtaining staff with new skill sets.

The IG's report comes after the Trump administration is proposing a significant cut to the agency's workforce in FY18. The administration's initial budget proposal, known as the "skinny budget," proposed a 20 percent staff reduction at EPA via buyouts and reductions in force (RIFs) as part of its overall, sweeping 31 percent cut to the agency as a whole.

[A group of former EPA officials](#) says the proposal could have drastic adverse effects on the agency's work. "The Budget Blueprint's proposal to cut EPA's workforce by 3,200, from 15,376 to 12,176, or by 21 [percent], in one year would drastically undermine the agency's ability to implement these and other statutes. Cutting EPA's workforce by such a large percentage in one year would be unprecedented in the 47-year history of the agency," they said.

Buyout Authority

A source with knowledge of EPA's labor union says VERA/VSIP authority -- which the Office of Personnel Management (OPM) granted to EPA in 2013 -- will be increasingly used to help the new administration meet its goal to close regional offices and end programs, including those devoted to climate change, and will come with severance pay. However, the source says if lawmakers cannot agree on a continuing resolution or a final FY18 budget, furloughs, rather than a VERA/VSIP arrangement, "would be a possibility" in the event of a government shutdown.

The EPA Office of Administration and Resources Management (OARM) agreed with the IG's recommendations but said in its June 24 response to the IG's findings that it had taken all corrective action recommended -- primarily making progress toward collecting and documenting information on its progress toward VERA-VSIP restructuring goals and analyzing information "obtained to determine the value of VERA-VSIP as a workforce restructuring tool."

Once the remaining corrective action is implemented, OARM believes the agency has met the intent of the IG recommendations and no additional follow-up actions are required. Additionally, due to the sensitive nature, OARM recommends eliminating the reference to clerical and administrative support when describing surplus positions.

While some of the agencies the IG reviewed had not specified a specific metric for their goals "or an identifiable end point for restructuring," both the Office of Water and EPA Region 1 responded to the IG's initial findings with updates on their progress: the Office of Water has now filled 21 of 26 positions it identified for restructuring, while EPA Region 1 reports that, contrary to the IG's findings, it has in fact met its targets to restructure and fill the 11 positions identified when OPM granted it the VERA/VSIP authority, 9 of which were filled before September 2015 and two by November

2015. In addition, Region I officials write in their response, "The reallocation of resources allowed us the opportunity to hire into 15 entry level positions, addressing critical mission work and introducing needed new skills into the organization." -- *Amanda Palleschi* (apalleschi@iwpnews.com)

Rep. McCollum girds for fight with White House over EPA cuts E&E Daily

Late last fall, Rep. Betty McCollum (D-Minn.) found herself bombarded with climate questions after a town hall meeting in her St. Paul, Minn., district that had focused on health care. Her Twin Cities constituents were worried about climate change denials coming out of the incoming Trump administration.

The nine-term lawmaker seized on those concerns and in February hosted one of the only congressional town halls in recent memory about global warming. It featured scientists who outlined data linking the Earth's warming to human activity.

"Climate change is real, humans are major contributors, I am against apathy," said McCollum to cheers from the overflow crowd of more than 500 during the town hall at the University of St. Thomas in St. Paul.

The crowd groaned, and there were even boos, when McCollum mentioned U.S. EPA Administrator Scott Pruitt and his efforts to dismantle one of the Obama administration's signature environmental efforts, the Clean Power Plan.

"Washington took a major step backward with Pruitt at EPA," she said.

The town hall, which lasted one hour and 15 minutes, amounted to an opening salvo of the campaign McCollum is expected to wage in the coming months over the administration's push to neuter EPA. Like many Democrats, McCollum is fiercely opposed to the spending cuts and layoffs for EPA being proposed by the Trump administration. But she is as well-positioned as anyone in her party to fight them as the top Democrat on the House Interior and Environment Appropriations Subcommittee that writes EPA's annual spending bill.

"She is one of the go-to people in our caucus," said Rep. Joe Crowley (D-N.Y.), the chairman of the House Democratic Caucus. He said her reputation as a serious lawmaker who "does not suffer fools at all" makes it likely that other Democrats will listen to her on budget issues.

No backsliding

McCollum would prefer to increase EPA's budget, but she knows that has no chance with Republicans controlling both ends of Pennsylvania Avenue.

Instead, she'll fight Trump's proposed 31 percent cut for the agency by trying to keep spending at least at the fiscal 2016 spending level of \$8.2 billion.

"We are the strongest and greatest country on the planet -- we should be moving forward showing leadership on energy and environment issues. But for right now maybe it is making sure we don't slide backwards, and I am ready to do those battles," the lawmaker told E&E News in a recent interview. An obvious priority for McCollum will be restoring funding for the Great Lakes Restoration Initiative, which the administration would eliminate by cutting nearly \$300 million.

McCollum might have a partner willing to oppose some of the cuts in the Interior panel's chairman, Rep. Ken Calvert (R-Calif.), who told E&E News last week that he has "issues" with the White House plan and does not expect the 31 percent EPA cut to stand.

"There will be reductions -- the difference is how much, how soon and where," said Calvert. He stressed that EPA has already been cut by 21 percent over five years and more than 2,000 jobs have been eliminated, so another round of major cutbacks may not be necessary.

Calvert and McCollum both insist they respect and enjoy working with each other and are cautiously optimistic they can find some common ground on the upcoming spending bill.

"As appropriators we are supposed to go through a negotiation and come to a deal. She is an honorable person to deal with," Calvert added.

Crafting a message

McCollum wants to move away from a focus on budget numbers and emphasize the real-world impact of cuts to the regulator. She stresses the proposed cuts would decimate the agency's ability to enforce the Clean Water Act and Clear Air Act, delay work on brownfield cleanup sites, and lead to more pollutants in the environment, all of which would have a major impact on public health.

Like many Democrats, McCollum tries to counter the argument that overregulation by EPA can be costly by emphasizing how shifting to clean energy jobs can boost the economy. But hailing from a district home to several large mining operations -- including 3M Co. -- McCollum acknowledges that transition won't happen instantly and will require additional federal spending.

"If we are going to be a leader in new technology for energy and at the same time reduce climate

change, we need to be making the investments," said McCollum, who added she'd like to see a massive federal push akin to the space program in the 1960s for shifting to clean energy. Additionally, McCollum wants to ensure that reliable scientific data from the federal government, including on climate change, can be easily accessed. She recently introduced a House bill that would prevent the Trump administration from destroying any federal scientific data, a worry of some federal research agencies.

McCollum, who also sits on the House Defense Appropriations Subcommittee, said she is eager to review the Defense Department budget for potential cuts to military efforts to fight global warming or promote clean technologies in weapons like ships and fighter planes.

She said Republicans are less likely to cut funding for those Pentagon climate programs because military leaders have warned that not acting is a risk to national security.

"The Department of Defense calls it sea-level rise, but I can live with that," McCollum said, referring to the Pentagon's euphemism for global warming that some see as a way around directly mentioning climate change.

'In the ring'

McCollum, 62, is a usually reliable liberal Democrat in the tradition of the state's long-serving Democratic senators and former Vice Presidents Hubert Humphrey and Walter Mondale. She has a 93 percent lifetime score from the League of Conservation Voters, a rating in line with many of the chamber's more green-minded members.

A part-time teacher and retail manager, she got her start in politics in the 1980s when her daughter was injured on a slide at a playground and the local city council wouldn't do anything about it. She ran for the council, losing her first race but winning a few years later and then going on to serve six years in the state Legislature before running for an open House seat in 2000.

McCollum prevailed in her first race and has kept on winning with no opponent garnering more than 35 percent against her since her first election to the liberal district, which was once represented by anti-war Democrat Eugene McCarthy. Hillary Clinton carried McCollum's district with 61.5 percent of the vote.

"She fits her district well, and she can hold it as long as she wants," said Mike Hatch, a former Minnesota attorney general.

One of McCollum's environmental advisers, John Abraham, a thermal and fluid sciences professor at St. Thomas University who works with other scientists on the Climate Science Rapid Response Team to highlight faulty science, says climate issues play well with voters in her district.

"Minnesotans are better informed about climate change, and what industries are trying to muddy the waters, than most people," said Abraham.

On Capitol Hill, McCollum has been an ally of House Minority Leader Nancy Pelosi (D-Calif.), who rewarded her support with a prized seat on the Appropriations Committee, where she is the only member of her state delegation. She also leads the Congressional Native American Caucus, using her slot on the spending panel to push more spending for Bureau of Indian Affairs programs.

Critics, including her 2016 Republican opponent, accuse her of not being visible enough, but others say that's unfair and note she's long been respected in the Democratic caucus. As evidence, they note, she was elected this Congress to serve as one of five regional vice chairmen for the Democratic Congressional Campaign Committee, the campaign arm of House Democrats.

"She is strong and never intimidated; she can get in the ring with the big boys," said former Rep. Jim Moran (D-Va.), who worked closely with McCollum when he headed the Interior and Environment spending panel.

Others note McCollum is unafraid to throw a political elbow, especially on environmental issues.

She recently sent out a press release saying she was "deeply disappointed" with her fellow Minnesota Democratic Rep. Rick Nolan for backing a Trump administration plan for copper mining near a wilderness area in the northern part of the state. She also fought members in her delegation over building a bridge across the St. Croix River, a move also opposed by many in the green community who said it would infringe on long-standing federal environmental protections for the waterway.

McCollum says her interest in the environment began during her childhood in Minnesota, which included early-morning fishing trips with her father and summer drives through the Badlands. She said part of her green philosophy may have been shaped by the "no trace" camping lessons she learned and later taught at summer camps.

"Maybe that's why I think mining companies should clean up after themselves," she added.

EPA--GOP advances bills targeting scientific backing for regs E&E Daily

House Republicans are barreling ahead with legislation to revamp U.S. EPA's handling of science, as the Rules Committee late yesterday cleared one bill for floor debate tomorrow and was set to greenlight another this afternoon at a hastily announced "emergency" meeting.

On an 8-3 party-line vote, the committee approved a closed rule for H.R. 1430, a measure sponsored by Rep. Lamar Smith (R-Texas) to bar EPA from pursuing new regulations unless they are based on science that is "transparent or reproducible."

Smith, chairman of the House Science, Space and Technology Committee, said afterward that the bill will go to the floor tomorrow.

The Rules Committee also scheduled a meeting for 3 p.m. today to consider the terms of debate for H for H.R. 1431, by Rep. Frank Lucas (R-Okla.), to overhaul membership requirements for EPA's Science Advisory Board. The full House will debate that measure Thursday, according to a spokesman for Lucas, the Science Committee's vice chairman.

The Science panel had approved the two bills in tandem at a March 9 markup (Greenwire, March 9). While both are controversial, they will likely sail through the full House, given that similar versions cleared the chamber two years ago in the 114th Congress.

The true test will come in the Senate, where any contentious legislation typically needs 60 votes to pass.

The previous incarnation of Smith's bill had been known as the "Secret Science Reform Act"; the new version is called the "Honest and Open New EPA Science Treatment (HONEST) Act." Its potential impact, however, remains largely the same: EPA would have to post online all of the underlying data in studies used to justify fresh regulations, except for personally identifiable information, trade secrets and other confidential business information.

While Smith added those exemptions to counter criticism of the previous version of the bill, Democrats suggest that they could easily be bypassed. At a brief hearing before yesterday's Rules Committee vote, Rep. Don Beyer (D-Va.) said that such information could still be obtained from EPA via a confidentiality agreement and then put online. Beyer and Smith also sparred over the bill's possible price tag.

In 2015, the Congressional Budget Office **estimated** that implementation of the previous version of the legislation would cost EPA about \$250 million annually for several years, in part for putting the data from tens of thousands of studies on the internet. The new version would again cap spending at \$1 million per year. Smith, saying that data are already publicly available, predicted yesterday that the actual implementation expense would be "minuscule." As of yesterday evening, CBO had not released a score for the new version.

Both bills have the backing of an array of business groups. Together, they "would improve the transparency and trustworthiness of scientific and technical reviews and information" that EPA uses to justify regulations "that can significantly affect society," Neil Bradley, a senior vice president for the U.S. Chamber of Commerce, wrote in a **letter** to Science Committee members earlier this month. Staunchly opposed are environmental and public health lobbies.

"Both of these bills would restrict the input of scientific experts in the review of complex issues and add undue industry influence into EPA's decision-making process," leaders of the American Lung Association and seven other advocacy groups told lawmakers in a separate **letter** yesterday.

Asked why the Rules Committee scheduled this afternoon's meeting on Lucas' bill with only a day's notice, Chairman Pete Sessions (R-Texas) attributed the decision to a late-breaking determination to keep the House in session Thursday, when the measure is now scheduled for morning floor debate.

Schedule: The meeting is today at 3 p.m. in H-313 Capitol.

EPA Staff awaits Trump with trepidation E&E Daily

Many U.S. EPA staff members are gritting their teeth for President Trump's visit today.

The president plans to visit the agency's Washington headquarters this afternoon to sign his long-anticipated executive order to boost energy production and target environmental regulations, including the Clean Power Plan.

Trump -- who has proposed a massive 31 percent, or \$2.6 billion, budget cut for EPA, which could result in 3,200 fewer jobs at the agency -- is not a popular figure among its employees.

After his election last year, many EPA workers were upset, worried about the future of their jobs and the agency itself. On the campaign trail, Trump pledged to dismantle EPA. And last week in Kentucky, he said Administrator Scott Pruitt "would turn the EPA from a job killer into a job creator."

Consequently, gallows humor has become prevalent at the agency.

"Coming to EPA? Are you sure he's not going across the street to have lunch at Trump Hotel?" said one career EPA employee when told about Trump's visit to agency headquarters. Across the street from EPA's William Jefferson Clinton Federal Building is the Trump International Hotel, where the president has already dined a few times since his inauguration. That career employee predicted Trump would receive a chilly reception from staff, with many staying in their cubicles rather than going to the president's signing of the executive order -- if they're invited at all. "There is going to be bewilderment and shock. Not a lot of excitement. Just pissed-off people," said the employee. "We're going to be at our desks. We'll not be going down there."

A presidential visit will also require heightened security. According to an internal email sent to agency employees yesterday and obtained by E&E News, the Secret Service and the Federal Protective Service will implement "multiple security measures" for the building, "and there will be an increased security presence at the Federal Triangle Complex."

With some entrances closed all day, employees will not be allowed on the first floor of the Clinton East building. The agency's mailroom and print shop will also be closed for the day. In addition, some EPA employees working in an area facing the courtyard "must close window blinds beginning no later than 10:00 am (and remain closed all day)," said the email. Security was likely as tight for President Obama's visit to EPA in January 2012. The mood then, however, was celebratory.

Back then, agency employees crowded into the Andrew W. Mellon Auditorium to cheer on the 44th president. Obama thanked workers for their dedication and said environmental protection and economic benefits can go hand in hand.

"I do not buy the notion that we have to make a choice between having clean air and clean water and growing this economy in a robust way," Obama said. "I think that is a false debate" (E&E News PM, Jan. 10, 2012).

Pruitt has offered similar sentiments as EPA chief. Nevertheless, it hasn't done much to improve relations between the administration's leadership and the agency's workers.

"Oh, God," said one former EPA official when told about Trump's visit. "There will be certainly a different dynamic than when Obama visited."

The ex-official added, "There is probably no agency and political leader that feel this hostile toward each other, including the CIA."

Trump of course visited the intelligence agency the day after his inauguration. Speaking about his inaugural crowd size and election victory before the CIA's Memorial Wall, Trump sparked criticism for his campaignlike speech.

The president's visit to EPA could lead to similar reviews. Asked if Trump's stopping by EPA headquarters to sign an order to roll back agency rules was a poke in the eye to employees, one union leader said it was.

"It definitely is. Otherwise, he would do this from the comfort of the White House," said John O'Grady, president of American Federation of Government Employees Council 238, which represents thousands of EPA employees. "I'm speechless. This is like someone's worst nightmare."

WHITE HOUSE: Battle lines drawn as Trump plans first EPA trip E&E News PM

With President Trump slated to visit U.S. EPA tomorrow to announce plans to roll back Obama-era rules, the messaging Trump is expected to sign a long-anticipated executive order at EPA headquarters tomorrow that the administration says will reduce greenhouse gas emissions from power plants -- and is expected to lay out additional environmental policies targeted for 2018.

"Tomorrow, the president will sign an executive order to strengthen the nation's energy security by reducing unnecessary federal subsidies for fossil fuels, while ensuring that electricity is affordable, reliable and clean in order to boost economic growth and job creation."

Trump's first visit to EPA -- an agency he's targeted for severe budget cuts -- is certain to ruffle many of the government's environmentalists and public health groups today voiced their opposition to the much-anticipated rule in advance of the visit.

"Donald Trump continues to sacrifice the health of millions of Americans to boost the profits of Big Oil," said Friends of the Earth Environmental Working Group President Ken Cook said today that Pruitt "lacks a fifth-grader's understanding of what's at stake for our health and environment. Shamefully, the brunt of the harm from this foolish retreat from science and reason will be borne by the most vulnerable."

Others have been anxious to see the new administration follow through on Trump's promise to roll back the Clean Power Act. Scott Segal, an energy industry lobbyist at Bracewell LLP, said in a statement today, "It is possible to keep up international energy production while maintaining reliable domestic energy production. While we will review any final executive order, it appears that the executive order will be a step in the right direction."

Pruitt Help Sought on New EPA Overhaul Bill: Lawmaker Daily Environment Report

A sponsor of recent legislation to terminate the EPA now is reaching out to Administrator Scott Pruitt to help craft new legislation to overhaul the agency, the House member told Bloomberg BNA March 1, 2017.

24.

The legislation would reduce the scope of Environmental Protection Agency headquarters in Washington, and devolve most enforcement authority to states, Rep. Barry Loudermilk (R-Ga.) said. Loudermilk joined with other House Republicans to introduce the termination legislation (H.R. 861) in early February. That bill sparked outcry from environmental groups and failed to gain momentum despite picking up some additional co-sponsors in early March.

Seven House Republicans currently back the bill.

That legislation aimed to launch a conversation on the agency, rather than actually abolish it, Loudermilk reiterated. Abolishing the EPA is likely politically unfeasible even though Republicans, led by President Donald Trump, regularly lambaste agency overreach. In the off-chance lawmakers and the Oval Office scrap the EPA, other agencies would have to implement regulations to comply with environmental statutes.

A new bill, however, will keep the EPA intact while transferring environmental authority from "ivory tower" headquarters to states, he told Bloomberg BNA.

"A smaller agency that works more directly with state agencies and gets its marching orders from Congress would be much more effective," Loudermilk said. "We're reaching out to Mr. Pruitt right now to see if his staff is interested in helping us with that."

The EPA didn't immediately respond to a Bloomberg BNA request for comment.

Regional EPA offices would continue to play a critical role for the agency in the new legislation, according to Loudermilk. "That would be my approach because they would be the front-end element that works closest with state [environmental agencies]," he said.

The Office of Management and Budget recently recommended eliminating two EPA regional offices.

Those offices are extensions of EPA Washington, D.C., headquarters.

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How eliminating two EPA programs could affect large parts of America **Washington Post**

The EPA Needs Lots of Money to Gut Itself **The Atlantic**

DELINGPOLE: Scott Pruitt Is Failing to Drain the Swamp at the EPA **Breitbart News**

Four-and-a-half false statements EPA head Scott Pruitt made in just one interview - ThinkPro

ACE

Trump Order Requires Agencies To ID Rules That Stymie Energy Production Inside EPA

President Donald Trump will sign a long-awaited executive order March 28 that a senior White House official says will begin to lay out a framework for the administration's energy and environment policy -- one that will prioritize energy production and eliminate climate or environmental policies that "put the U.S. economy at risk."

The forthcoming order "will look back and look forward," the official told reporters in previewing the order late March 27. The order, known as the "Energy Independence" executive order, will direct federal agencies to identify "all regulations, guidance and documents that serve as obstacles or impediments to U.S. energy production," the official said.

Agencies will be expected to come up with energy independence plans, which the White House will then review. "Those plans will serve as a blueprint for the administration going forward on energy policies," the official said.

Regarding climate change, the White House official suggested several Obama-era policies "don't reflect" Trump's agenda, and therefore will be immediately pulled back or subject to review.

The official indicated the administration wants to "take our own course and do" climate policy "in our own form and fashion."

Specifically, the order will target a wide range of Obama administration climate policies, largely mirroring what appeared in **a draft summary of the order** obtained by *InsideEPA/climate* and other news outlets.

The order will "initiate the review" of several regulations, including EPA's existing power plant greenhouse gas rule known as the Clean Power Plan and the companion rule for new sources. Both rules are currently subject to pending legal challenges in the U.S. Court of Appeals for the District of Columbia Circuit.

The document could also order the Department of Justice to ask the D.C. Circuit to hold litigation on

the power plant rules in abeyance or remand the rules to the agency while administrative proceedings to rewrite them are underway.

The White House official said there is no timeframe associated with the review of the Clean Power Plan and other rules, but EPA Administrator Scott Pruitt "is ready to hit the ground running on it." The source also noted that the administration will have to go through the rulemaking process if it intends to rescind or revise the regulations and acknowledged there will likely be litigation over the end result. Whether the process takes one, two or three years, "I don't know. It's going to take some time," the official said.

In addition, the White House official listed several other Obama-era policies that will undergo review -- including EPA's rule regulating emissions of the potent GHG methane from new oil and gas sources, as well as the Bureau of Land Management's (BLM) methane venting and flaring rule and its rule regulating hydraulic fracturing on public lands.

"All will be reviewed" based on "whether those reflect the policy priority at the beginning of the order," the official said, though the source did not specify what that priority would be beyond a focus on energy independence and "getting EPA back to its core mission."

NEPA Reviews

According to the White House official, the order will also rescind Obama White House Council on Environmental Quality guidance for how to account for climate impacts in National Environmental Policy Act (NEPA) reviews. "That guidance was widely opposed by a number of different industries," the official said, adding that the administration believes it goes "way beyond what NEPA requires." The order will also target the Obama administration's social cost of carbon metric, and the related social cost of methane and social cost of nitrous oxide -- default values that agencies use to measure the benefits of rules that limit GHGs.

"The prior administration put out its own estimates, not in a very transparent fashion," the official said, adding the Trump administration believes the metrics violate "longstanding" Office of Management & Budget policy. Those metrics "will no longer stand," the source said.

In addition, the White House official said the order will target about six climate change-related executive orders and presidential memorandum from former President Barack Obama, including four orders related to climate adaptation and resilience, the 2013 memo putting forth the Climate Action Plan and a 2014 memo outlining a strategy to cut methane.

The order will also rescind the Department of Interior's moratorium on new coal leasing on federal lands.

The White House official said the order will not address how the Trump administration will proceed with the Paris Agreement, which the source said is "still under discussion."

It will also not address EPA's 2009 GHG endangerment finding, which underpins the agency's climate regulations and which many conservative groups have urged the Trump EPA to review. Just last month, the free-market Competitive Enterprise Institute asked EPA to review the GHG risk finding in [a petition obtained by Inside EPA](#).

"Certainly if you look at the previous administration's Paris Agreement pledge, 'we have a different view about how you would address climate policy in the U.S.," the White House official said, adding that the Trump administration intends to go in a "different direction" but the emissions impact of that pathway is unclear.

The White House official emphasized that Trump "made a pledge" to help the coal industry. While it is true that such things like the low cost of natural gas and other market forces affect coal's success, "certainly government policy has a role, and to the extent he can have a beneficial effect, he's going to take it."

In addition, the White House official indicated the executive order would "lay out very clearly" how the Trump administration intends to approach climate policy. The source suggested the administration believes the most important factor is to "make sure you have a strong economy," noting that the United States has a "cleaner, healthier environment" than large developing countries like China. The official also noted that the Trump administration will continue to enforce clean air laws that are "on the books" but will review "policies like the Clean Power Plan that we believe don't provide environmental protection." The source added that "whether it's clean coal, nuclear power, renewables . . . allowing all those to flourish is a good way to address the issue." -- Abby Smith (asmith@iwpnews.com)

- **CASAC Panel Supports EPA's Softening Of Sulfur Oxides Risk Assessment** Inside EPA
Members of an EPA Clean Air Scientific Advisory Committee (CASAC) panel are supporting the

agency's decision to soften some of its risk assessment's conclusions on the adverse health effects of sulfur oxides (SOx) emissions after earlier faulting EPA for overstating risks, suggesting the agency might not seek to tighten its SOx air limits.

The panel held a March 20 call to discuss EPA's second-draft integrated science assessment (ISA) that will inform the agency as it considers whether to strengthen, maintain or weaken the "primary," or health-based national ambient air quality standards (NAAQS) for sulfur dioxide (SO2), which serves as the "indicator" for SOx. The Obama EPA in 2010 updated the SO2 standard to limit emissions at 75 parts per billion (ppb) over one hour.

On the call, panelists praised EPA for weakening some of its conclusions from an earlier draft on SO2's health effects, following the panel's earlier findings that the agency was overstating risks.

The draft ISA retains its primary conclusion that SO2 causes short-term respiratory effects, but backs away from the earlier draft's conclusions that various other health effects are "suggestive" of a causal relationship with SO2 exposure. Instead, EPA says there is "inadequate" evidence to suggest such a relationship.

The softened conclusions could help the Trump administration conclude that there is no need to tighten the existing SO2 standard, which is a permissible outcome of the NAAQS review process. EPA in a proposed consent decree with environmentalists says it is aiming to complete the review by Jan. 28, 2019.

CASAC debated the weakened conclusions on SO2's risk, with panelist David Peden, of the University of North Carolina, saying that the revised ISA is "consistent with the causal framework" that EPA uses to determine which health problems pollutant cause. There is "tremendous attention to asthmatics" in the ISA, but "that was appropriate," given the increased propensity of asthmatics to suffer respiratory effects, he said.

A number of panelists had earlier expressed concerns over the likelihood that in some health studies, adverse effects are wrongly being attributed to SO2 when in fact the effects result from co-pollutants -- such as particulate matter -- which are found in the same polluted air and "confound" the studies' results.

Aaron Cohen, of the joint industry and EPA-funded Health Effects Institute, said the new draft ISA is "a more critical and I think accurate assessment of the inability to control for confounding by co-pollutants."

However, panelist Richard Schlesinger, of Pace University, noted that in several studies featured in the ISA, there still seems to be overstatement of the strength of causal relationships.

In a number of cases there "seems to be an overreach" in concluding that SO2 is to blame for effects, he said. For such studies, he suggested a "reduction in enthusiasm."

The Clean Air Act requires that the agency review its NAAQS for criteria pollutants such as SO2 every five years, meaning that the review of the SO2 standards is already long overdue.

EPA's SO2 review should have been completed in 2015, but the agency in response to environmentalists' lawsuit is floating a consent decree that would set a Jan. 28, 2019, deadline to complete the review.

According to the timetable in an EPA staff presentation to the panel, EPA intends to finalize the ISA by the end of 2017. The Obama EPA in the Jan. 17 *Federal Register* announced a proposed consent decree agreement with environmentalists, which if finalized would require EPA to propose a rule on whether to revise the SO2 NAAQS by May 25, 2018, and to complete its review by Jan. 28, 2019. EPA staff in the presentation to CASAC said, "[W]e anticipate that this action will be subject to a court-ordered deadline." Should the Trump EPA opt not to finalize the consent decree, it would face the possibility of a shorter court-ordered schedule, given the agency has already missed its statutory deadline.

The decree further would set a deadline of July 14 for EPA to propose a new primary NAAQS rule for nitrogen dioxide (NO2), to be finalized by April 6, 2018. Similar to NO2, the Obama EPA in 2010 introduced a novel one-hour NAAQS set at 100 ppb. CASAC and EPA staff have so far also not indicated much willingness or scientific basis for tightening the NOx standard. -- *Stuart Parker*

- **Budget Cuts, Trump Views Cloud Future Of National Climate Assessment** Inside EPA

Climate scientists are growing increasingly concerned about the future of the National Climate Assessment (NCA) -- the next installment of which is due in 2018 -- as the Trump administration proposes funding cuts for federal climate science research and could seek to scale back the content of the assessment.

"Everyone is worried about it," one scientist involved with the process tells *InsideEPA/climate*, adding

that the assessment "is a really popular symbol of climate science and adaptation and involvement of the community in preparedness for climate change."

The report is required by the Global Change Research Act of 1990, which passed the Senate unanimously and created the inter-agency Global Change Research Program (GCRP).

The program is required to submit to the president and Congress at least every four years an assessment detailing its findings "and associated uncertainties, the effects of global change, and current and major long-term trends in global change."

But the scientist involved in the process says: "Just because it's required by statute doesn't mean it's been done well or in a timely fashion in the past." The source adds that it is "really easy to scale it down" and "change the language used enough to" make the NCA "about natural variability," an approach that many climate skeptics have raised to question the impact of anthropogenic emissions on climate change.

The NCA is a "White House report. It's really owned by the administration when it comes out," the source says, noting there is "a lot of concern [about] whether it will be released and what form it will be in."

The congressionally mandated assessment provides a comprehensive synthesis of the state of climate science, aiming to increase public awareness about climate risks, and the report during the Obama administration served as a scientific basis for climate mitigation and adaptation policies.

Obama administration officials early last year urged federal and other scientists working on the next NCA to ensure that such information is plainly presented and able to be incorporated into policy decisions, with the idea that the assessment could evaluate various mitigation policies.

"If we want to go beyond reaching people at a shallow level with the NCA, we have to make some decision about how we turn it into something that is more a decision-focused document," said Chris Weaver, EPA's senior adviser to the GCRP, in March 2016.

"We should really be moving the assessment rapidly in the direction of focusing on the responses and the solutions rather than the risk. The risk framing is a means to an end. Ultimately we want to be able to assess our ability to respond to the risks and point our direction toward" taking action, he added.

The scientist involved with the process notes the NCA had been moving in such a direction. The 2014 NCA aimed to connect policymakers and the public with "relevant information" that they could use in problem-solving, and the forthcoming NCA "intended to go even further."

But potential funding cuts at GCRP and other agencies, as well as the administration's broad skepticism of mainstream climate science, could hamstring the ability of scientists working on the NCA to provide such services.

It is "not likely" the next NCA "will be more useful than" the 2014 assessment, the source says.

The Trump administration's March 16 budget blueprint proposes dramatic cuts to EPA's budget, including discontinuing funding for climate policy and research. The plan also includes cuts to climate research at other agencies, including NASA and the National Oceanic and Atmospheric Administration (NOAA).

"I think the president was fairly straightforward -- we're not spending money on that anymore. We consider that to be a waste of your money to go out and do that," White House budget director Mick Mulvaney told reporters March 16, in response to a question on climate science research.

Scientists say cuts to the GCRP and other climate research programs could severely hamper the production of the fourth installment of the NCA. The GCRP performs much of the "logistical" and "background work" facilitating coordination among the report's authors, says a second scientist involved in NCA 4.

Funding levels for fiscal year 2018 are far from certain, given that even some Republican lawmakers have said they will oppose some of Trump's proposed cuts. But if the spending plan zeros out the GCRP staff, "the community could soldier on and produce NCA 4 without staff support, but that would be really difficult to pull off," the source says.

"It's really time consuming to do one of these. On the writing side, I'm grateful for the full-time staff at GCRP who make it possible," the source adds, noting the value of having "a full-time person whose brain is filled with" the logistical details "and can manage all of the flows of information."

Trump's "skinny" budget outline did not include language specific to the GCRP, but the first source says the program is funded through a portion of each participating agency's climate research budget. Thus, if climate-related research is broadly cut or eliminated, there would be little or no money for the GCRP, which the source notes already has a small operational budget.

In addition, the source notes the NCA could suffer from any cuts to NOAA's technical support unit, which performs several functions related to the assessment -- including editing, graphics, climate

modeling, web development and copy editing.

The source says the proposed cuts to NOAA's climate office put this technical support unit "at risk." Trump's proposal seeks to zero out "over \$250 million in targeted" NOAA "grants and programs supporting coastal and marine management, research and education including Sea Grant," adding such programs "are a lower priority than core functions maintained in the Budget such as surveys, charting, and fisheries management."

Beyond budget concerns, the first source says there is "absolutely" a concern that the Trump administration could handle the NCA much like the George W. Bush administration, which sought to suppress federal climate science and research.

At that time, officials tried to discredit a climate science report released by the Clinton EPA, amid questions of whether a White House Council on Environmental Quality official coordinated with conservative groups that brought a lawsuit charging the Clinton-era report did not comply with data quality laws.

The Bush administration reorganized federal climate research efforts, prompting scrutiny from Democrats and environmentalists. After the government had not produced a comprehensive climate science report since 2000, environmental groups sued the administration in 2006 to force the production of a new NCA, consistent with the 1990 Global Change Research Act.

Now scientists and environmentalists have renewed concerns in the Trump era, amid reports that the administration was eyeing the removal of climate science and policy information from EPA and other agency websites.

The second scientist involved in NCA 4 notes that former Obama Interior Secretary Sally Jewell told scientists at a December meeting of the American Geophysical Union that she could not imagine the new administration removing climate data from public view. And Trump officials have since backed away from claims that they would remove climate data and have released an archived version of the Obama EPA's website.

"That said, you don't need to be a rocket scientist to know when you go on whitehouse.gov you no longer can find statements about climate change," the second source says.

And the first scientist adds that while much of the modeling and technical data needed for the report "has been done already or housed somewhere else," moving federal climate data would limit the ability of NCA authors to direct policymakers and the public to relevant data sets.

Despite the concerns, a National Academy of Sciences (NAS) panel recently issued a positive review of a draft climate science report intended to inform the next NCA. That report, quietly released by the Obama administration in December, provides an overview of the state of climate science.

The NAS review called the Climate Science Special Report (CSSR) "impressive, timely, and generally well-written," and noted the panel "was impressed with the breadth, accuracy, and rigor" of the draft report.

Phil Mote, a climate scientist with Oregon State University who chaired the NAS panel, told *InsideEPA*/told *InsideEPA/climate* that the panel "strongly supports" the science report, adding it makes "very clear statements about the changes that have been observed and the attribution of those changes to [greenhouse gases] that the committee agreed with."

Overall, Mote said many of the committee's recommendations aimed to clarify the report and to strengthen the key messages and linkages to underlying peer-reviewed literature.

And the first scientist notes the NAS review is "very good . . . for a report like this. . . . They liked it a lot."

That source says the draft CSSR and the NAS review are important because they are "out there and publicly reviewed, adding they provide "a really good stake in the ground" for the NCA. The source suggests public engagement in the NCA process could help the future of the assessment.

The more people are "involved and invested" in NCA 4, the "more people will be looking for it in the future."

Mote also notes the significance of the draft CSSR in terms of public awareness and knowledge of climate science. The NAS committee "recognized reports like this are always important to provide the public with a clear and authoritative statement about the state of knowledge," Mote says.

He adds: "In this case, the context of the CSSR has even more relevance for the value of a report like this." -- Abby Smith

• **Early reaction to Trump's climate executive order** *Inside EPA*

As we reported last night, President Donald Trump is **poised to sign a long-awaited executive order** targeting a wide range of Obama-era climate change policies, including EPA's landmark

greenhouse gas standards for existing power plants, known as the Clean Power Plan. The directive will prioritize domestic energy production and eliminate climate or environmental policies that "put the U.S. economy at risk," according to a senior White House official. Here is some of the initial reaction:

Today's action by President Trump is an important step toward increasing American competitiveness and recognizing that our industry is part of the solution to advancing U.S. economic and national security goals. Smart, common sense and science-based guidance and regulations will help our nation's energy renaissance continue to provide benefits for American consumers, workers and the environment.

American Petroleum Institute

Withdrawing the Clean Power Plan is a mistake that will cost consumers more in the long run, in the form of higher energy and health care bills. The Clean Power Plan offers states a flexible approach to reduce emissions, expand clean and renewable energy, and boost energy efficiency efforts. Meeting the goals of the Plan would save the average U.S. household nearly \$161 a year on their energy bills in 2030, according to a recent Georgia Tech study. Overall consumer savings would total \$250 billion in the 15 years that follow full implementation of the Plan.

Consumers Union

Rolling back the Clean Power Plan would roll right over 3 million Americans who earn paychecks every day in the clean energy economy. And it's not just workers who would suffer -- it's American competitiveness, too. The Trump administration needs to put forward a policy that reduces our emissions and also supports American jobs.

Environmental Entrepreneurs

They want us to travel back to when smokestacks damaged our health and polluted our air, instead of taking every opportunity to support clean jobs of the future. This is not just dangerous; it's embarrassing to us and our businesses on a global scale to be dismissing opportunities for new technologies, economic growth, and US leadership. Our drinking water and the air we breathe will directly suffer in response to this executive order. It flies in the face of EPA's mission and the whole basis for action on climate in the first place - protecting public health. Simply put, you cannot defer climate actions and say you are committed to clean air and water.

Former EPA Administrator Gina McCarthy

Trump is holding America back, keeping us dependent upon an old technology that will mean fewer jobs, higher costs, and slower growth. This is the latest in a long line of bad business deals for him, but this time the American people will bear the costs to our health, our water, our air, our security and our prosperity.

NextGen Climate

Donald Trump's executive order would let dirty power plants spew unlimited pollution into our air while ignoring the climate crisis, unraveling protections that are designed to save billions of dollars, and thousands of lives. In fact, Trump's sweeping order is the single biggest attack on climate action in U.S. history, period.

Sierra Club

America got good news today when President Trump took bold steps to make regulatory relief and energy security a top priority. American energy resources give us a competitive advantage in the global economy, and the president's effort to capitalize on those resources is vital to stimulating economic growth. These executive actions are a welcome departure from the previous administration's strategy of making energy more expensive through costly, job-killing regulations that choked our economy.

U.S. Chamber of Commerce

The Trump administration is failing a test of leadership to protect American's health, the environment and economy. It's been shown time and again that sustained economic growth and national security are intertwined with good environmental stewardship. In taking a sledgehammer to U.S. climate action, the administration will push the country backward, making it harder and more expensive to reduce emissions. Climate science is clear and unwavering: mounting greenhouse gas emissions are warming our planet, putting people and business in harm's way.

World Resources Institute

"Planned Rollback of Climate Rules Unlikely to Achieve All Trump's Goals" (New York Times)

President Trump is expected to sign an executive order on Tuesday to roll back most of President

Barack Obama's climate change legacy, celebrating the move as a way to increase the nation's "energy independence" and to restore thousands of lost coal mining jobs.

But energy economists say the expected order falls short of both of those goals -- in part because the United States already largely relies on domestic sources for the coal and natural gas that fires most of the nation's power plants.

"We don't import coal," said Robert Stavins, an energy economist at Harvard University. "So in terms of the Clean Power Plan, this has nothing to do with so-called energy independence whatsoever."

Administration officials said the new order would direct the Environmental Protection Agency to start the legal process of withdrawing and rewriting the Clean Power Plan, Mr. Obama's climate change policy. Scott Pruitt, the E.P.A. administrator, said in an interview on ABC News on Sunday that it will help the United States "be both pro-jobs and pro-environment" and described it as the "energy independence executive order."

Yet, coal miners also should not assume their jobs will return if Trump's regulations take effect.

The new order would mean that older coal plants that had been marked for closings would probably stay open, said Robert W. Godby, an energy economist at the University of Wyoming. That would extend the market demand for coal for up to a decade.

But even so, "the mines that are staying open are using more mechanization," he said. "They're not hiring people."

"So even if we saw an increase in coal production, we could see a decrease in coal jobs," he said.

A coal miner at a Trump campaign rally in Charleston, W.Va., last year. Credit Ty Wright for The New York Times

Legal experts say it could take years for the Trump administration to unwind the Clean Power Plan, which itself has not yet been carried out because it has been temporarily frozen by a Supreme Court order. Those regulations sought to cut planet-warming carbon dioxide pollution from coal-fired power plants. If enacted, they would have shut down hundreds of those plants, frozen construction of future plants and replaced them with wind and solar farms.

Throughout his campaign, Mr. Trump highlighted his support of coal miners, holding multiple rallies in coal country and vowing to restore lost jobs to the flagging industry. At a rally last week in Kentucky, Mr. Trump vowed that his executive order would "save our wonderful coal miners from continuing to be put out of work."

While the number of coal mining jobs has dropped in the United States, they do not represent a significant portion of the American economy. Coal companies employed about 65,971 miners in 2015, down from 87,755 in 2008, according to Energy Department statistics.

And though the percentage of coal mining jobs dropped sharply, economists said that was not driven by the Clean Power Plan. Rather, they blamed two key forces: an increase in production of natural gas, which is a cheaper, cleaner-burning alternative to coal, and an increase in automation, which allowed coal companies to produce more fuel with fewer employees. The rollback of Mr. Obama's regulations will not change either of those forces, economists say.

"The problem with coal jobs has not been CO2 regulations, so this will probably not bring back coal jobs," Mr. Godby said. "The problem has been that there has not been market demand for coal."

The coal industry nonetheless cheered the move.

"These actions are vital to the American coal industry, to our survival, and to getting some of our coal families back to work," said Robert E. Murray, the chief executive of Murray Energy, one of the nation's largest coal mining companies.

But even Mr. Murray conceded that he did not expect the Trump administration's order to return coal mining numbers to their former strength. "I really don't know how far the coal industry can be brought back," he said.

Mr. Trump's directive on Tuesday will also eliminate about a half-dozen of Mr. Obama's smaller executive orders and memorandums related to combating climate change.

Scott Tiller, a coal miner of 32 years, preparing to go underground for a shift in Welch, W.Va., in May. Credit David Goldman/Associated Press

White House officials said they included lifting a ban on new coal mining on federal lands, and recalculating a budgeting metric known as the social cost of carbon that, under the Obama administration, limited pollution by arguing that global warming outweighed economic benefits for industries. Combined, while the measures may not revive the coal industry, they are likely to ensure the United States' emissions of planet-warming pollution remain high.

The executive order is not expected to address the United States' participation in the 2015 Paris Agreement, the landmark accord that committed nearly every country to take steps to reduce pollution. The aim of the Paris deal is to ensure that countries reduce emissions enough to stave off a warming of the planet by 3.6 degrees Fahrenheit, the level at which, experts say, the Earth will be irrevocably locked into a future of extreme droughts, flooding, and food and water shortages.

But experts say Mr. Trump's order signals that the United States will not meet its pledges to cut its emissions about 26 percent from 2005 levels by 2025.

"Meeting the U.S. terms of the Paris Agreement would require full enforcement of the current regulations, plus additional regulations," said Michael Oppenheimer, a climate scientist at Princeton University. "It takes a comprehensive effort involving every country doing what they committed to and more."

- He said Mr. Trump's order "sends a signal to other countries that they might not have to meet their commitments -- which would mean that the world would fail to stay out of the climate danger zone."

"Climate Change Denialists in Charge" (New York Times)

As President Trump prepares to unveil an executive order to dismantle President Barack Obama's climate change policies, Washington's policy-making posts are filling with officials who have a record of openly denying the established science of human-caused climate change.

Climate denial starts at the top:

President Trump

Mr. Trump, the ultimate decider, has demonstrated a cavalier approach to the peer-reviewed atmospheric data that makes up the core of climate science. He has called Mr. Obama's climate change regulations "stupid." But in other forums, he has denied making some of those statements and shifted his position.

What he has said:

Donald J. Trump ✓ @realDonaldTrump

The concept of global warming was created by and for the Chinese in order to make U.S. manufacturing non-competitive.

2:15 PM - 6 Nov 2012

104,496 104,496 Retweets 67,075 67,075 likes

He said of climate change at a 2015 rally in South Carolina: "A lot of it's a hoax. It's a hoax."

But in an interview with The New York Times shortly after the election, he seemed to moderate: "I have an open mind to it."

Vice President Mike Pence

Peabody Energy's Somerville Central surface coal mine in Indiana. Most electricity in Indiana, Vice President Mike Pence's home state, comes from coal-powered plants. Credit Luke Sharrett/Bloomberg

Mr. Pence, the president's influential No. 2, has appeared to question climate science, although his aim was less to question the existence of climate change as to stand up for the coal-fired power plants that provide his home state, Indiana, with most of its electricity.

What he has said:

"It's just a few years ago, we were talking about global warming, which is -- we haven't seen a lot of warming lately. I remember back in the '70s when we were talking about the coming ice age. And, look, you know, we have -- we've had a tough winter. And in the Midwest, we're -- we're made of hardy stock. We've seen these kind of winters before. And we'll shoulder through them. We'll leave the scientific debates for the future."

MSNBC interview, 2014.

In an interview with CNN in September, Mr. Pence, like his boss, modulated that view.

"There's no question that the activities that take place in this country and in countries around the world have some impact on the environment and some impact on climate. But Donald Trump and I say let's follow the science, but for heaven's sakes let's not go rushing into the kind of restrictions on our economy that are putting Americans out of work and, frankly, are driving jobs out of this country."

Stephen K. Bannon

Mr. Trump's influential senior strategist is the former chief executive at Breitbart News, which regularly publishes articles with headlines like "Global Temperatures Plunge. Icy Silence From Climate Alarmists" and "Climate Change: The Greatest-Ever Conspiracy Against the Taxpayer." Mr. Bannon is said to be pushing Mr. Trump to withdraw the United States from the 2015 Paris agreement, which committed nearly every country to take action on carbon dioxide pollution.

What he has said:

The national debt is "not a manufactured crisis like global warming or the health care crisis. This is a -- this is an existential crisis."

Fox News, 2010.

Scott Pruitt

A January confirmation hearing for Scott Pruitt. Mr. Pruitt, the administrator of the Environmental Protection Agency, will lead the complex legal efforts to dismantle Obama-era E.P.A. climate change regulations. Credit Gabriella Demczuk for The New York Times

The administrator of the Environmental Protection Agency will lead the complex legal efforts to dismantle the Obama-era E.P.A. climate change regulations.

What he has said:

"I think that measuring with precision human activity on the climate is something very challenging to do, and there's tremendous disagreement about the degree of impact, so, no, I would not agree that it's a primary contributor to the global warming that we see."

Mr. Pruitt on carbon dioxide and the environment on CNBC's "Squawk Box," March 9.

David Kreutzer

Mr. Kreutzer, a top E.P.A. aide to Mr. Pruitt, spent years at the conservative Heritage Foundation, where he was a vociferous critic of climate science. Mr. Kreutzer is pressing a hard-line stance against climate policies, such as legally challenging court-ordered regulation of carbon dioxide pollution.

The gas-powered Valley Generating Station in California. David Kreutzer rebuked an audience for laughing at claims that carbon emissions could be beneficial to the planet. Credit David McNew/Getty Images

What he has said:

On a panel in January about carbon dioxide emissions, fellow panelists suggested that increased carbon dioxide emissions could be beneficial to the planet. The crowd's laughter prompted Mr. Kreutzer to snap, "You're laughing because you're ignorant."

"A common claim among proponents of action on climate change is that the overwhelming majority of climatologists agree on global warming science. One commonly cited statistic is that 97 percent of climatologists agree on global warming. ... The 97 percent statistic is nothing more than a false talking point; no overwhelming consensus exists among climatologists on the magnitude of future warming or on the urgency to reduce greenhouse gas emissions."

"The State of Climate Science: No Justification for Extreme Policies," 2016 Heritage Foundation report, with Mr. Kreutzer as lead author.

James Inhofe

Senator James Inhofe has gained a reputation as Congress's most consistent denier of the established science of human-caused climate change. Credit Al Drago/The New York Times

The author of a 2012 book, "The Greatest Hoax: How the Global Warming Conspiracy Threatens Your Future," and a senior member of the Senate committees on the environment and armed services, Senator Inhofe is a crucial voice in the debate over climate change. Mr. Trump and Mr. Pruitt have mined Mr. Inhofe's former staff members to serve as energy and environment policy advisers.

What he has said:

"The claim that global warming is caused by man-made emissions is simply untrue and not based on sound science."

Mr. Inhofe, circa 2003.

"Obama has built a culture of radical alarmists, and they'll be back. You and I and the American people have won a great victory, but the war goes on. Stay vigilant."

Video address this month to the Heartland Institute, a group devoted to discrediting climate change.

Lamar Smith

Mr. Smith, chairman of the House science committee, has subpoenaed scientists and questioned their work on many topics, but particularly on human-caused climate change.

What he has said:

"Climate change is caused by a combination of factors, including natural cycles, solar variability and human activity. Scientists still disagree about how much each of these factors contributes to overall climate change. What climate alarmists say is sometimes untrue and often exaggerated. We should rely on good science, not science fiction, when we evaluate climate change."

Op-ed article in USA Today, 2015.

Rick Perry

Mr. Perry, now the secretary of energy, drew attention during his tenure as the governor of Texas and as a presidential candidate in 2012 and 2016 for mocking climate science. But during his Senate confirmation hearing to head an agency that oversees much of the government-funded research into climate change, Mr. Perry reversed those views.

What he has said:

"It's all one contrived phony mess that is falling apart under its own weight. Al Gore is a prophet all right, a false prophet of a secular carbon cult, and now even moderate Democrats aren't buying it."

"Fed Up! Our Fight to Save America From Washington," a 2010 book written by Mr. Perry.

But at his confirmation hearing in January, Mr. Perry reversed that view:

"I believe the climate is changing. I believe some of it is naturally occurring, but some of it is also

caused by man-made activity. The question is: How do we address it in a thoughtful way that doesn't compromise economic growth, the affordability of energy or American jobs?"

•

[Trump's big new executive order to tear up Obama's climate policies, explained](#) Vox

[Scott Pruitt's Top Five Fibs on Obama's Climate Rules](#) InsideClimate News

[Trump's Anti-Climate Crusade Can Still Be Stopped](#) TIME

["Trump Just Released His Plan to Gut Obama's Climate Policies. It's Worse Than You Thought."](#) (Mother Jones)

["Trump Poised To Roll Back Climate Protections"](#) (AFP)

["Trump's Orders To Reverse U.S. Climate Policies Are 'Depressing'"](#) (Mashable)

["Donald Trump Is About To Undo Obama's Legacy On Climate Change"](#) (Huffington Post)

["Trump To Sign Executive Order Undoing Obama's Clean Power Plan"](#) (Guardian)

["Trump to Issue Far-Reaching Reversal of Obama Climate Push"](#) (Bloomberg)

["Trump To Sign Order Sweeping Away Obama-Era Climate Policies"](#) (Reuters)

[When Is It Time to Retreat From Climate Change?](#) New Yorker

CSS

SOCMA Urges EPA To Cut Costs Of TSCA Inventory Rule, Citing Trump's EO *Inside EPA*

Chemical and other industry officials are urging EPA to revise its proposed rule updating and and resetting its inventory of executive order capping rules' costs.

In recently posted comments on EPA's proposed Toxic Substances Control Act (TSCA) inventory update rule, the Society of Chemical Manufacturers (SOCMA) urged the agency for it to be considered listed on the inventory.

This "one and done" approach could "dramatically reduce burdens on reporting companies -- and EPA," the group says in comments posted Jan. 12, 2017 and directs agencies to "identify" two rules for repeal for every new rule they propose. *Relevant documents* include a letter from SOCMA to EPA dated Jan. 12, 2017. Complying with the order's cost and deregulatory provisions could be difficult for EPA because many agency rules are not on the inventory. Dan Newton, SOCMA's senior manager for government relations, writes in the group's undated comments that complying with the order is a "one-time" event; it ought not make the job any more difficult than it needs to," he writes.

The group's comments echo recent suggestions from several other industry groups who urged White House officials in December to consider repealing rules that are not on the inventory. Like many environmentalists, the industry groups say the requirement that agencies identify rules for repeal is likely to be costly. A case in point is EPA's rule setting effluent limits for dental amalgam, which was approved by the Obama administration in 2011.

EPA's inventory reset rule, proposed Jan. 13, is aimed at giving the agency a better sense of how many thousands of chemicals are in use. The proposed rule would require a retrospective electronic notification of chemical substances on the TSCA inventory that are not on the inventory. The proposal would also accept notifications for substances that are processed, though it is not mandatory, and would require EPA to develop procedures for future electronic notification of chemical substances on the TSCA inventory that are designated as inactive. The TSCA reform law enacted last year gives EPA more robust authority to evaluate risks for those "existing" chemicals that are not on the inventory and phased out.

Under the new law, EPA must promulgate a rule to facilitate industry reporting of chemicals that have been manufactured or imported in significant quantities. It is important, because new chemicals -- those not on the inventory -- are subject to EPA's pre-market review process.

To ease the burden on companies seeking listings on the inventory, SOCMA, like many other commenters, urges EPA to

"If someone reports a chemical, no one else should have to. After all, the purpose of the reset is to determine which chemicals are of concern. The group says such an approach would also help EPA comply with Trump's EO. "EPA needs to be hypervigilant about not exceeding the cap that EO does impose on federal agencies like EPA a 'regulatory cap' for this fiscal year of zero net regulatory cost increase. SOCMA also urges EPA to clarify in the final rule that companies need only identify chemicals by their chemical abstracts name. "EPA could substantially reduce the costs of this proposed rule by implementing a 'one and done' and CASRN-only approach. SOCMA further argues that not making these changes to the proposed rule would violate TSCA Sections 8(a)(5)(A) and (B). **SOCMA is not alone in its requests and recommendations to EPA, which several** other groups echoed. For example, the Waste Activities Group, among others. Similarly, its request that EPA seek only CASRN numbers, rather than chemical names, is also shared. SOCMA, ACC and many others also strongly oppose EPA's proposed requirement that submitters indicate the date range of manufacture. It would be significantly more burdensome than the effort to simply verify that a substance had been manufactured during the time period. ACC adds that the statute does not require these details, nor did EPA require "documentation of the date of commercial manufacture." Generally, commenters reacted positively to EPA's proposal as one designed to reduce burden and duplicative efforts but some would further reduce burden. Chemical producers also praise EPA's proposal to allow chemical processors to voluntarily verify their chemicals are on the list. DTSC also praises EPA's overall approach. "DTSC strongly supports EPA's efforts to update the TSCA Inventory to support not only the continued success of EPA's efforts but also the success of the nation. Lee writes in March 14 comments. -- *Maria Hegstad*

Environmentalists Back TSCA Prioritization Proposal But Seek Tweaks *Inside EPA*

Environmental groups are generally supportive of EPA's proposal for how it will prioritize the thousands of existing chemicals. They voice their concerns with the agency's proposal.

The stakeholders' comments were submitted before a March 20 deadline in response to EPA's Jan. 17 proposal, which laid out the purposes of further review.

Existing chemicals are those that were in commerce in 1976 when the original TSCA was enacted, and were at that time in the framework to implement this. EPA says its goal in the prioritization proposal is a "pipeline" that will help the agency work through the Section 6(b)(1) of the revised TSCA requires EPA to establish a risk-based screening process and criteria that EPA will use to prioritize chemicals. The first action in EPA's proposed four-step process, what the agency calls the "pre-prioritization process," generated suggestions to narrow the pool of potential chemicals using the new statutory criteria.

The remaining steps in the proposed four-step prioritization process continue with an initiation phase in which the agency will conduct the proposed designation, information, analysis, and basis for the decision, and take a second round of public comment. Under the fourth and final step, EPA would either finalize a high-priority designation and initiate a risk evaluation, or find that the risks are low.

The Environmental Defense Fund (EDF) writes in its March 20 comments that the pre-prioritization step is needed, pointing out that completing the prioritization process, which then leads directly to the risk assessment deadlines. *Relevant documents are being reviewed.* "Due to the data needs coupled with the deadlines set forth by Congress, we agree with EPA that it must generally have a pre-prioritization process," EDF writes. "Given these demands, we fully support EPA's proposed pre-prioritization stage to gather needed information." EDF urges EPA to use this step to gather information from companies, particularly studies they may have already submitted. EDF is being prioritized -- a consideration EPA had suggested as a way to reduce the incidence of regrettable substitution. But EDF encourages EPA to delay its consideration of alternate chemicals.

But California EPA, in March 20 comments, expresses its support for EPA's consideration of possible substitutes in the process. It would benefit by removing, rather than substituting, hazardous chemicals. In addition, it would conserve Agency as well as state resources. At the end, EPA could consider requesting stakeholder input early in the process to help identify likely substitute chemical candidates. The Safer Chemicals, Healthy Families Coalition -- which broke with EDF in its support of the Lautenberg Chemical Safety Act -- adds that toxicity and exposure triggers to this list. These should include literature reports of potential mutagenicity, developmental toxicity, and other concerns. Further, the coalition encourages EPA to consider the lists of chemicals of concern identified by other EPA offices, agencies, and states. The Coalition, CalEPA and EDF also support EPA's approach to consider the conditions of use of chemicals in the prioritization process. Since the Lautenberg Act was signed into law last June, EPA had completed just 33 of these reviews by the time of the deadline for some 1,000 new chemicals each year.

The new chemicals review process has stalled because the new law requires EPA to reach an affirmative finding about whether a chemical presents an unreasonable risk of injury to health or the environment. During the GlobalChem conference, EPA's acting toxics chief, Wendy Cleland-Hamnett, told attendees that she and her colleagues were working on an interpretation in the proposed rule.

The environmental groups are praising EPA's approach to the conditions of use interpretation in the proposed rule. It would be an unreasonable risk of injury to health or the environment," and as low priority, not requiring assessment at the time of designation. EPA has proposed an approach wherein all of a chemical's potential uses must meet the unreasonable risk standard in order to be designated high priority. The approach, while industry groups are protesting it.

The coalition argues that "since the prerequisite for high-priority listing is a determination that a chemical 'may present an unreasonable risk of injury to health or the environment,' listings apply to the chemical as a whole, not specific uses, and thus must be based on a finding of no unreasonable risk of injury to health or the environment. It will not be subject to risk evaluations and will be perceived as 'safe' by users and the general public."

The groups add that they support EPA's approach to designations, but add that low priority designations should be peer-reviewed. By contrast, industry groups are arguing that EPA should treat high and low priority designations similarly. The U.S. Chemical Manufacturers Association (CMAA) writes in its March 20 comments that the pre-prioritization step is needed, pointing out that completing the prioritization process, which then leads directly to the risk assessment deadlines. *Relevant documents are being reviewed.*

. . It is imperative that EPA give high priority and low priority chemicals the same treatment."

The business lobby adds that "It would be in EPA's best interest to adjust that proposal so that EPA is just as likely to condition(s) of use of a chemical have a low potential for risk, rather than the lofty standard of 'all.' This would benefit . . . An industry coalition raises similar points, arguing in its March comments that EPA should release a supplemental proposal to agree [with EPA] that 'a large number' of chemicals will meet the high-priority definition. . . . The term 'may present an

Stakeholders Clash Over Defining Risk Reviews In TSCA Implementing Rule *Inside EPA*

Industry groups are pressing EPA to provide more specificity in its risk evaluation process and the science underlying its bad policy.

"The agency must provide more clarity to the process that will be used to do risk evaluations of existing substances. The data to which the same rigorous standards have been applied as expected by the Lautenberg Chemical Safety for the 21st Century Act (LCSA) (Pub. Law 114-182, 125 Stat. 1553, 2011) (200325)

The LCSA, signed into law last June, overhauls the original TSCA, through which EPA has authority to regulate industrial chemicals that were grandfathered them. Criticism over this and other aspects of the statute led to bipartisan passage of the LCSA last summer. Among LCSA's changes to TSCA are requirements that EPA prioritize and assess the risks of high priority existing chemicals. EPA proposed both rules last December, and accepted comment on them through March 20. The Fertilizer Institute's concerns are echoed by other trade groups, such as the American Chemistry Council (ACC), the American Petroleum Institute (API), and the American Farm Bureau Federation (AFBF). BRAG's Executive Director Kathleen Roberts writes in March 20 comments that the group is "disappointed with the lack of specificity in the rule implementation, which indicates that Congress felt the past approaches and policies were not adequate."

BRAG urges EPA to "outline a well-defined process for when and how default assumptions and uncertainty factors will be used in the rule." approaches."

The group adds that it does not support EPA's position that is "unnecessary and problematic" to define certain scientific terms. Interestingly, while other trade groups have urged EPA to limit the scope of its risk evaluations to make them more focused, BRAG argues for more considerations, to include pollution prevention and sustainability characterizations of the chemical substance of interest. The concerns about the transparency of EPA's risk evaluation process outlined in the written comments echo those raised in the March 20 comments. BRAG should develop and describe in detail a process tailored for the TSCA risk evaluations of existing chemicals, rather than the current process. (Policy Report, March 13).

But the Environmental Defense Fund (EDF) argues in its March 20 comments that EPA is correct not to define scientific terms in the rule. "Rulemakings, which are developed through time- and resource-intensive processes, are not appropriate vehicles for technical rulemaking. Rulemakings are better addressed in guidance documents and policy statements that are more nimble and, therefore, can adapt to new science. The group adds that EPA should not define the scientific terms in the rule because doing so would "overly prescribe the rulemaking process and frequent updating of the rule to keep pace with the science."

EDF further argues that LCSA directs EPA "to use its rule to establish a process for risk evaluation, not a prescriptive method. EPA does not require that such policies, procedures and guidance be developed in this or any other rule," EDF says.

EDF in its comments outlines a series of concerns regarding conduct of risk evaluations and risk characterization approaches. EDF points to direction in new TSCA Section 6(b)(4)(F)(ii) directing EPA to use either an aggregate or sentinel exposure approach. EDF argues that the aggregate exposure approach "assess[es] risk in a manner that reflects real-world exposures experienced by humans. A sentinel approach would be possible or sufficiently protective." The group notes that EPA's approach to assessing pesticide risks does not meet the requirements.

EDF also urges EPA to question its definition of sentinel exposure, as "the exposure(s) of greatest significance, which may be the most likely to cause adverse effects." EDF argues that this definition should be re-written. "The significance of an exposure is not determined only by the magnitude of the exposure. EPA specifically asked for comments regarding sentinel and aggregate exposure terms, noting that the sentinel term is not defined. The proposed definition does not reflect a fundamental understanding of how the concept of sentinel exposure has been used in the past. ACC says that none of those agencies' existing definitions match EPA's. "[I]n none of the descriptions provided, does the term refer to other products or exposures within the similar category."

ACC also discusses its concern that in using an aggregate exposure approach, "EPA may go beyond the intended scope of the rule. The evaluation of pesticides, foods, food additives, drugs, cosmetics, tobacco products, etc. As such, it would be inappropriate."

Environmentalists Petition 9th Circuit To Overturn EPA's Enlist Registration *Inside EPA*

Environmentalists are petitioning the U.S. Court of Appeals for the 9th Circuit to overturn EPA's decision in the final day of the registration of the monarch butterfly.

The March 21 filing in *National Family Farm Coalition et al v EPA* challenges EPA's Jan. 12 registration decision, the latest in a series of decisions (Doc. ID: 200138)

The petition asks the Court "to find that EPA violated its duties under the Pesticide Act in issuing the conditional registration of Enlist Duo for use on crops. The Wildlife Service or the National Marine Fisheries Service to insure that conditionally registering Enlist Duo for uses on [crops] is in the public interest. The petition is filed directly with the appellate court rather than a district court "because the Ninth Circuit has held that the Pesticide Act (CBD) tells *Inside EPA*.

In its most recent decision, EPA expanded its original registration decision to allow uses of the chemical on GE corn and soybean. EPA first approved use of Enlist in October 2014 for use on GE corn and soybean in six Midwestern states where the agency had previously approved use. Environmentalists in 2014 sued EPA in the 9th Circuit, arguing that the agency failed to adequately assess the product's safety. The 9th Circuit granted a request from the agency to remand the registration for further review. EPA's requested vacatur based on the discovery of Dow's claims of synergistic effects of the two components of Enlist i. After review, EPA last November proposed the expanded registration it eventually finalized in January, arguing that its assessment of synergistic effects occur when multiple pesticides, combined either in a single product or in applicators' tanks, result in increased risk. In a March 21 press release, environmental groups CBD, Beyond Pesticides, Center for Food Safety, Earthjustice and Pesticide Action Network for health. They point to 2,4-D's relationship with Agent Orange and the controversial 2015 decision from the International Labour Organization.

Biotechnology Industry Seeks Nomenclature Change In EPA's TSCA 'Reset' *Inside EPA*

A bio-based chemical producers and users group is urging EPA to adopt changes to chemical nomenclature as part of its TSCA "reset." The Biotechnology Innovation Organization (BIO), raises a unique concern among comments submitted to EPA regarding TSCA's nomenclature policies.

BIO argues that EPA "has not addressed the chemical nomenclature language articulated in Section 8(3) of the Lautenberg Chemical Safety Act of 2002." The TSCA Inventory is at the heart of how the Agency regulates chemicals."

The Lautenberg Chemical Safety Act for the 21st Century was signed into law last June and overhauled the original 1974 TSCA. The act's "new" chemicals is important, because new chemicals must undergo EPA scrutiny before they can enter the market.

Another biobased industry group raised similar concerns in a TSCA petition to EPA in 2015, asking EPA to make nomenclature changes. The Renewable Products Advocacy Group, argued that the chemicals, derived from plants, algae and other biomaterials were not "new."

Now, BIO calls on EPA to "formalize guidance to permit a manufacturer to make a determination of equivalence of a chemical's nomenclature to the inventory nomenclature practice, developed in 1978 "was not intended or designed to limit the sources from which the chemical is derived."

The group urges EPA to "Develop a dedicated correction procedure as part of the reporting process to resolve nomenclature discrepancies."

Industry Hails House Approval Of PRIA Reauthorization Through 2023 *Inside EPA*

The cleaning products industry is hailing the House passage of a bill that reauthorizes for seven years the program that allows cleaning products to be sold without EPA approval. The bill would allow cleaning products to be sold without EPA approval and reach the market promptly.

On March 20, the House approved by voice vote H.R. 1029, which would extend through fiscal year 2023 EPA's Pesticide Registration Improvement Act (PRIA) requirements for companies making efficacy claims for their products.

The Consumer Specialty Products Association (CSPA) in a March 20 statement says the bill has support from state regulators and industry groups.

"We respectfully urge the Senate to quickly pass this bill because it is crucial that industry continues to bring to the market new and improved cleaning products," CSPA says. "First enacted in 2004, PRIA allows EPA to collect industry fees to support its Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) program. The bill would support the program from advocates."

The House bill would increase annual fees from \$27.8 million to \$31 million, and set deadlines for the agency to develop a new fee schedule.

Also March 20, the Congressional Budget Office issued a report, that enacting H.R. 1029 would not significantly increase the federal deficit.

While CBO finds that the bill would impose costs under the Unfunded Mandates Reform Act (UMRA), they would largely be offset by savings from the bill's provisions to streamline the regulatory process.

"The bill would impose intergovernmental and private-sector mandates as defined in UMRA by extending reregistration requirements for certain pesticides to private entities."

CSPA has said the bill would allow EPA to continue to provide predictable timelines for more than 200 categories of FIFRA pesticides. The bill would inform industry testing.

Monsanto Appeals to Block California's Roundup Cancer Listing *Daily Environment Report*

Monsanto Co. has appealed a California court decision to allow the state's environmental health office to proceed in listing glyphosate as a carcinogen. The company filed an appeal March 22 of the California Superior Court for Fresno County's decision earlier this month to list glyphosate as a carcinogen.

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The appeal is not surprising. Monsanto has been fighting claims for decades that the main ingredient in Roundup--glyphosate--is a carcinogen after a review of the scientific literature and other studies.

Several regulatory agencies, including the Environmental Protection Agency, say that glyphosate is not likely to be carcinogenic. The agency's flawed and baseless proposal to list glyphosate under Proposition 65 not only contradicts California's own scientific findings and the law," Monsanto spokeswoman Charla Lord told Bloomberg BNA in an email.

"The agency's flawed and baseless proposal to list glyphosate under Proposition 65 not only contradicts California's own scientific findings and the law," Monsanto spokeswoman Charla Lord told Bloomberg BNA in an email.

First Constitutional Challenge

The complaint is the first constitutional challenge to the regulations for implementing the "labor code" listing process under Proposition 65. Research on Cancer has classified as human or animal carcinogens.

Monsanto and intervenor plaintiff California Citrus Mutual--which represents 2,500 citrus growers in the state--failed to file an appeal. OEHHHA spokesman Sam Delson told Bloomberg BNA that the agency is "hopeful that the appeals court will affirm that the listing is valid."

More than 40 plaintiffs sued in a separate California Superior Court last week claiming that Roundup caused their non-Hodgkin's lymphoma.

on the 2015 IARC finding.

Scientists on the EPA's Scientific Advisory Panel are generally in agreement that glyphosate does not cause solid tumors.

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Will Trump's EPA Greenlight a Pesticide Known to Damage Kids' Brains? Mother Jones Pruitt and the Pesticide Threat Project Syndicate

HHRA

House Science Panel Digs Into U.S. Funding of European Institute **Daily Environment Report**

Members of Congress are looking to investigate how the Department of Health and Human Services funds an obscure science institute. House Science, Space and Technology Committee Chairman Lamar Smith (R-Texas) and Oversight Subcommittee Chairman Robert Wittman (R-Va.) are looking into the National Institute of Environmental Health Sciences and the Ramazzini Institute, a scientific institute in Italy. "The Committee is concerned that contracts awarded to the Ramazzini Institute and its affiliates may not meet adequate standards," Smith said in a letter. The institute did not bid against other potential recipients for the money. The letter also says that NIEHS has sent \$92 million to the institute. The call for Ramazzini's documents dovetails with a larger campaign from the chemical industry to reform scientific agencies. The American Chemistry Council launched a campaign in January to encourage lawmakers to "seek reform" of another agency, the Environmental Protection Agency. The herbicide glyphosate is a probable carcinogen, has triggered the ire of Monsanto Co., whose Roundup weedkiller contains glyphosate. The Ramazzini Institute has come under fire before. The House panel questioned the Environmental Protection Agency's study of glyphosate. Critics of the institute said the study's methods led to an outcome in which exposed rats were more likely to develop lymphoma. Representatives for the Ramazzini Institute and NIEHS could not be reached for comment.

Though the campaign doesn't specifically target the Ramazzini Institute, representatives of the initiative have linked the institute to the chemical industry. "CAPHR intends to promote reform of IARC. But evidence is emerging that Ramazzini and IARC are in close collaboration," CAPHR says.

The free-market law institute E&E Legal also sued HHS last week for withholding responses to the watchdog's public request for documents. NIEHS ultimately backed the Institute on this study, finding "consistency and value" in the analyses despite some conflicts of interest.

Specifically, the committee is seeking communications on grants or contracts between NIEHS and Ramazzini, as well as any other information that might be relevant to the study.

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HS

GOP Senators Hedge On Prospects For CRA Repeal Of EPA RMP Rule **Inside EPA**

Top Senate environment committee Republicans are hedging on whether a Congressional Review Act (CRA) resolution will lead to reconsideration of the regulation.

In separate March 21 interviews with *Inside EPA*, Senate Environment and Public Works Committee (EPW) Chairman John Cornyn (R-Texas) and Senate Environment and Public Works Committee (EPW) Chairman John Cornyn (R-Texas) said they are not sure if CRA actions are a Republican priority.

"Where this one fits, I don't know," Inhofe said, noting competing priorities for CRA resolutions targeting Obama-era regulations. Barrasso also declined to specify where EPA's risk management plan (RMP) overhaul ranks among the competing priorities. "It's on the list," he said.

The chemical sector and other industries are pursuing multiple avenues of pushback against EPA's Jan. 13 final rule on the RMP. The rule is not certain.

EPA's RMP rule, issued in the waning days of the Obama Administration, includes new auditing and hazard analysis requirements for the use of certain chemicals.

Former President Barack Obama ordered EPA to issue the rule in response to an explosion at a fertilizer plant in West, Texas, in 2013. The explosion caused the death of two people and led to the explosion.

But industry groups and their GOP supporters say the rule's requirements are costly and unnecessary, and that disclosure of information about the rule's requirements is not necessary.

They are pushing hard to have Congress repeal the rule using the CRA's expedited procedures, which allow lawmakers to bypass the Senate. But S.J. Res. 28, the CRA disapproval resolution Inhofe, Barrasso and other senators introduced March 2 to repeal the rule, has not yet passed. Meanwhile, EPA Administrator Scott Pruitt agreed to a request from an industry coalition to reconsider the rule. In a March 20 letter, Pruitt said he would reconsider the rule within 90 days -- to reconsider it.

While industry has welcomed EPA's actions, there is also some uncertainty about how far the agency can go in scaling back the rule. There is "a lot of discussion at the agency to figure out what is legally defensible" for pushing back against the rule, EPA says.

Even as industry groups ramp up efforts to kill the rule, House Democrats and other administration critics are pushing for a CRA resolution to repeal the rule. In a March 20 letter to White House Office of Management and Budget (OMB) Director Mick Mulvaney, Rep. Frank Pallone (D-N.J.) said he would extend the rule's effective date without notice and comment.

The lawmakers say that the APA generally requires officials to allow for 30 days before taking such action but Pruitt's decision to reconsider the rule within 90 days is a departure from that practice.

"Rushing the rules . . . will cause clear and serious harm by delaying needed safeguards. You remember, we are sure, The letter urged OMB to immediately withdraw the rule extending the RMP's effective date and also requested copies of the letter be sent to the House of Representatives, the Senate, the Environmental Protection Council and a host of other industry groups that petitioned the Trump administration to stay the RMP rule. "Judicial precedent makes clear that changing the effective date of a rule is a substantive amendment of that rule, and the Supreme Court has held that such amendments require the President's signature," said Sen. Dianne Feinstein (D-CA). Sen. Mark Warner (D-VA), Sen. Amy Klobuchar (D-MN), Sen. Dick Durbin (D-IL), Doris Matsui (D-CA) and Paul Tonko (D-NY) also signed the letter. While Pallone and other House Democrats are targeting Pruitt's stay of the rule, facility advocates are meeting with House and Senate staff. "We need to make sure that folks are aware of how bad [a CRA] is for workers and communities and first responders, and that they could face blow-back should another major industrial facility disaster occur. The source says environmental and other groups, in meetings with lawmakers, are touting the RMP rule as modest improvements. While Pruitt and industry officials have argued that the West arson should not drive changes to an accident prevention rule, the groups say the rule is a necessary step. The advocacy groups are also arguing that the Obama EPA coordinated with the Department of Homeland Security during the 2013 San Bruno gas pipeline explosion. "The modest amendments have overwhelming public and expert support," according to a public interest group source.

SHC

EPA National Academies panel endorses human air pollution tests GREENWIRE

A panel of outside experts has broadly endorsed U.S. EPA's use of voluntary human testing in air pollution studies, saying in a new report that the controversial practice yields valuable data not obtainable through other means.

Although health risks to participants can't be ruled out, the odds of long-term harm from the laboratory tests are "unlikely to be large enough to be of concern," according to the report, released today by the National Academies of Sciences, Engineering and Medicine. The review panel recommended, however, that EPA use "plain language" in its consent forms and take other steps to make sure that would-be recruits understand what they're getting into.

"While communicating with potential participants, it's particularly important to appropriately characterize the risks," Robert Hiatt, a professor of epidemiological and biostatistics at the University of California, San Francisco, who chaired the National Academies committee, said in a news release. "EPA needs to make every effort to ensure that these descriptions are accurate, scientifically grounded and comprehensible to people."

Treadmills for study

Some human studies involve exposing subjects to air pollution during exercise to test the effects. Photo courtesy of EPA's Office of Inspector General.

The outside review, requested by EPA, aimed to address criticism of the agency's reliance on what are known as "controlled human inhalation-exposure" (CHIE) studies that involve exposing people to air laced with pollutants such as particulate matter or ozone. In a 2012 lawsuit, one advocacy group with ties to the oil industry likened the practice to Nazi medical experiments; while the suit was dismissed within months, Sen. Jim Inhofe (R-Okla.) called reports on the tests "extremely disturbing."

But the report found that CHIE studies have "provided unique information" that could not be obtained from animal testing or epidemiological research drawing on people engaged in their day-to-day routines. The 15-member review committee singled out, for example, their "critical importance" in guiding EPA's decision to move from a one-hour to an eight-hour averaging time for the ambient air quality standard for ozone.

Other studies have been valuable in confirming the human health effects of exposure to particulate matter that had already shown up in animal research, the report said.

While the fine particles known as PM2.5 are linked to an array of heart and lung problems, those perils are tied to long-term cumulative exposure, the report said. Because the EPA studies may involve exposures of just two hours, the chances of any increased chronic disease risk are likely "vanishingly small."

EPA carries out the CHIE studies at its laboratory in Chapel Hill, N.C., using paid volunteers who are deemed healthy enough that they are unlikely to suffer any problems from controlled exposures to dirty air. In the past, agency officials have staunchly defended the importance of human testing, as well their efforts to ensure participants' well-being.

Air pollution testing

EPA exposes volunteers to air pollution concentrations in specialized chambers at its research center in North Carolina. Photo courtesy of EPA's Office of Inspector General.

"We really do take safety of the subjects with the utmost seriousness," Robert Kavlock, currently the agency's acting chief of research and development, told E&E News in 2015 (Greenwire, Feb. 6, 2015). Kavlock referred a request for comment on the new report to EPA's press office, which did not respond in time for publication today. An Inhofe spokeswoman also had no immediate comment on the report, whose release today coincided with the formal launch of the Trump administration's efforts to roll back EPA regulations addressing climate change (see related story).

But Steve Milloy, an attorney involved in the 2012 lawsuit, said the report failed to address what he called a contradiction between EPA's finding that there is no safe level of exposure to PM_{2.5} and the agency's willingness to expose study subjects to such fine particulates, which are no more than 2.5 microns in diameter.

"This is just a total whitewash," Milloy said in an interview today. "If PM is as dangerous as EPA says, then these experiments are illegal."

The National Academies review committee, made up mostly of university professors, looked at eight CHIE studies in compiling its report. Out of 845 intentional pollutant exposures conducted at the North Carolina facility from the beginning of 2009 to last October, one participant unexpectedly developed an irregular heartbeat during a particulate matter experiment but reverted to a normal heartbeat within two hours and was hospitalized overnight for observation, according to the news release.

That hospitalization, while amounting to 0.1 percent of experimental pollutant exposures, "illustrates that despite substantial efforts to screen potential participants," the release added, "there is some level of risk in these studies."

A 2014 review by EPA's inspector general had also urged improvements to EPA's policies for protecting participants; the agency addressed all of the recommendations, according to the report.

[Trump's Vicious Attack on Black Communities - Huffington Post](#)

[EPA Sued For Withholding Info On 'Environmental Justice' Programs Daily Caller](#)

[Proposed Budget Cuts Slash Funding For Great Lakes Clean-Up NPR](#)

[EPA sidestepped decision to tighten standards for lead levels, leaving communities adrift](#)

STAT

[EPA Chief Scott Pruitt pledged support for Great Lakes. President Trump appears to have undercut him Cleveland.com](#)

SSWR

[Getting the Lead Out: Midwest Cities Take Different Tacks Daily Environment Report](#)

Cities across the Midwest are pushing to increase protections for their drinking water from lead contamination as federal and state regulators work on new rules to strengthen standards.

But the Trump administration's proposal to delegate more regulatory authority to the states while simultaneously cutting grants to help them run their environmental programs could hamper those efforts.

Madison, Wis., was the first city in the nation to replace its drinking water supply lines in an effort to combat lead contamination. This action came more than a decade before the discovery of widespread lead contamination in the drinking water of Flint, Mich., propelling the issue to national prominence in 2016 and prompting the question of whether the Environmental Protection Agency's 1991 drinking water standards for lead were strong enough.

Midwestern cities, especially those with aging water infrastructure, are wrestling with how to pay for

drinking water improvements in light of EPA plans to update its lead and copper rule by the end of 2017. Passing on the cost of improvements to ratepayers is one option. Raising taxes, selling municipal bonds, and obtaining state or federal low-interest loans or outright grants and other awards are other tools cities have at their disposal.

The cost of upgrading drinking water infrastructure is high: In just one state, Michigan, the cost could reach into the billions of dollars, Bryce Feighner, Michigan Drinking Water and Municipal Assistance Division director, told Bloomberg BNA.

"It's not going to be something that's fixed overnight. Even a fairly gallant effort across the nation would take a decade or more," he said.

And assistance from the federal government may be in jeopardy under the Trump administration's budget proposal, which would reduce the EPA's budget by more than 30 percent, including critical grants to states. Trump has called for a dramatic increase in infrastructure spending, however, which has given some localities hope.

Establishing Laws, Rules

Lead contamination typically doesn't occur in water treatment plants or even in the main lines distributing water to the neighborhoods. It happens mostly in the lead service lines that carry water from distribution mains in the street to individual houses and buildings. It also can leach into drinking water from lead soldering and plumbing fixtures inside a building.

In the early 20th century, municipalities commonly relied on service lines made from lead because the metal is a malleable yet dependable material to get water into houses without leaks. Large buildings or multifamily units such as big apartment complexes typically use steel or another non-lead materials in their service lines.

Cities such as Chicago continued to install lead service lines until the Safe Drinking Water Act prohibited their use after June 1986. The EPA then published its Lead and Copper Rule in 1991 requiring communities to take action if more than 10 percent of the tested water taps in a community had lead levels of more than 15 parts per billion (ppb, 0.015 mg/L). The new EPA rule coming out later this year is expected to tighten that standard.

Tens of Millions Exposed

Despite the rule, the possibility for lead leaching into drinking water in communities across the nation is an ongoing concern.

"Our estimate is that between 15 million and 22 million people drink water that comes through lead pipes," Rob Moore, Natural Resources Defense Council senior policy analyst, told Bloomberg BNA. "And of those 15 million to 20 million people who are potentially exposed, it's a vanishing percentage that have any idea they are drinking water that has gone through a lead pipe that potentially exposes them and their children to lead."

Such was the case in Flint, where excessive levels of lead were identified after the city switched its water source to save money. Flint Mayor Karen Weaver declared a state of emergency in December 2015, followed by a similar declaration from Gov. Rick Snyder (R) Jan. 5, 2016, and then President Barack Obama Jan. 16.

"While Flint may be a dramatic case of lead exposure, it's a more pervasive problem across the U.S. than commonly understood," Moore said. "You find this on the West Coast, you find this in the Southwest, you find this in the Southeast. It's pretty well distributed."

Mobile Phones to the Rescue

Following the release of the EPA Lead and Copper Rule in 1991, two Midwestern cities announced their intention to replace all their lead service lines. Madison, Wis., became the first U.S. city to do so after testing in the 1990s showed drinking-water samples "were just barely over" the EPA 15 ppb limit, even though the city stopped installing lead service lines in 1927 and never used lead components in its water mains, Tom Heikkinen, Madison Water Utility general manager, told Bloomberg BNA.

"We had to do something," he said.

The utility wanted to pay for the work, which can cost several thousand dollars for each service line,

through a surcharge on ratepayer bills. That idea, however, was rejected by the Wisconsin Public Service Commission. Innovation and creativity provided a solution: The water utility began leasing space on its water towers to mobile telephone companies, which installed their cellular antennas on the towers, and used that money to finance the service-line replacements.

Homeowners, who typically bear the responsibility for the portion of the distribution system that runs from the street to the dwelling, still had to pay up to \$1,000 for the service-line replacements, but the remainder of the cost was absorbed by the Madison utility using cash from the cellular-antenna leases.

Ratepayers Foot Bill

Lansing, Mich., the second city to replace all its lead services lines, faced its own funding challenge with a twist: the Lansing Board of Water & Light owned the entire service line--onto private property to the outside wall of property owners' building. That meant the work and pipe upgrade essentially would provide a private benefit to homeowners, and spending public money for those private improvements had legal and taxpayer implications.

The city nevertheless pushed ahead with its plan, replacing 12,125 lead service lines at a cost of \$144.5 million over about 12 years, with work completed in 2016. The utility funded the project out of its year-to-year operating expenses. Nothing on the bill notified customers part of their payment was funding the lead pipe replacement project.

"The increase was incremental over the course of years. It was ratepayer-financed, if you will, with no special assessments or special bonding," Stephen Serkaian, Lansing Board of Water & Light executive director, told Bloomberg BNA.

The cities had to deal differently with recalcitrant homeowners who refused to allow utility workers on their property. In Madison, where a city ordinance ordered the pipe replacements, property owners were referred to the state prosecutor's office, Heikkinen said.

"We did have a handful of property owners who refused to comply with Madison's lead service replacement ordinance (I believe it was fewer than five), and they ultimately had judgments filed against them," utility spokeswoman Amy Barrilleaux told Bloomberg BNA in an email. "The penalty for non-compliance was a fine of \$50-\$1000 per day."

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In Lansing, homeowners had their water shut off until they cooperated.

Other Financing Options

Other funding options available to communities include raising taxes or borrowing the money by issuing municipal bonds.

"I think a lot of people think about infrastructure spending as roads, bridges, trains, planes and automobiles, and they forget about the issue with drinking water and wastewater. And we think this is probably one of the most significant areas of focus for infrastructure spending and makes a lot of sense," Dan Heckman, U.S. Bank senior fixed income strategist, told Bloomberg BNA.

Communities with AA or AAA bond ratings may favor this option because the interest rates are competitive and the money can be borrowed relatively quickly, Heckman said.

"We think the gap in spending on water and wastewater facilities has got wider and is in the billions of dollars in terms of need," he said. "It will take years to make the necessary repairs, if not decades."

State and federal governments are helping.

The EPA's Drinking Water State Revolving Fund, a lending program offering low-interest rates and the possibility of principal or loan forgiveness for economically distressed communities, is administered by state agencies and involves a state match. In fiscal 2015, the amount of funding appropriated in the EPA budget for the Drinking Water SRF program was about \$860 million; each state receives at least 1 percent of that total based on an agency survey of state needs.

Galesburg, Ill., a city with a population of about 30,000 located halfway between Chicago and Kansas City, Mo., received a \$4 million loan from the SRF, replete with 100 percent principal and interest forgiveness. The Illinois Environmental Protection Agency, which administers the federal loan program for the state, offers loans for lead service-line replacement that can be at least partially forgiven to cities with median household incomes that are less than 70 percent of the state average.

Galesburg tried for the loan because it had trouble meeting the requirements in EPA's Lead and Copper Rule when it took effect in 1991 and came into compliance only in 2010--nearly 20 years after the rule was made final. In 2015, it fell out of compliance again.

Wayne Carl, the city's director of planning and public works, told Bloomberg BNA that he doesn't know how many of the town's 3,000 lead services lines will be replaced before proceeds from its \$4 million loan are depleted, but he's hoping it's as much as 70 percent. Priority will be given to homes that have exceeded the EPA lead limit in prior testing plus to low- to mid-income families with children younger than 6, Carl said. Construction first begins on 409 lead services lines in June.

A new federal funding mechanism, EPA's Water Infrastructure Finance and Innovation Act, is designed to partially finance larger water infrastructure projects. The EPA estimates that the program will help finance up to \$2 billion in projects. Applications for the first wave of WIFIA loans are due April 10.

After Flint's drinking water crisis gained national attention, the city was finally able to secure--after significant lobbying by the Michigan congressional delegation--\$100 million in supplemental funds authorized by the Water Infrastructure Improvements for the Nation Act (Pub. L. No. 114-322) to help in its pipe replacement program. Michigan provided \$20 million in matching funds, bringing the total to \$120 million for water infrastructure improvements, including \$58 million for the city's water plant.

Relying on Corrosion Control

Some cities aren't replacing pipes at all, but are pursuing other strategies to mitigate the lead problem.

Chicago, where about 280,000 of the city's approximately 500,000 services lines contain lead, decided not to replace any service lines but instead focus on an optimized corrosion control treatment added to drinking water and tailored to its chemical characteristics. The treatment coats the insides of pipes, including pipes and fixtures inside homes and buildings, and aims to prevent lead from leaching into the water right up to the tap.

"Really, the only way to protect the water from metal incursion, lead incursion, is through corrosion control. Lead doesn't just stop at the service line; you can have lead pipes within your home, you can have lead-soldered joints, you can have low-lead brass that up until about 2012 had about 9 percent lead in it," Barrett Murphy, Chicago Department of Water Management commissioner, told Bloomberg BNA.

"Our approach has been, the only safe way to protect the water from the time it leaves the plant to the time it comes out of the tap is through corrosion control. That has been our approach, and that continues to be our approach," said Murphy, whose department is responsible for delivering safe drinking water through a system with more lead service lines than any other Midwestern city.

The city's water utility delivers drinking water to residents of Chicago and 125 surrounding communities--about 42 percent of all Illinois residents--and is making investments in its physical water infrastructure. In 2012, it announced a 20-year program to replace 880 miles of water mains that are up to 100 years old. The city is replacing about 90 to 100 miles of main pipes each year at a cost of about \$2.5 million a mile.

New Standard Envisioned

Midwestern cities are working to maintain or improve the safety of their drinking water as the EPA works on revising its Lead and Copper Rule, which will likely tighten the standard.

Some political leaders say the lead issue is too dangerous to wait for EPA action; Michigan's Snyder, for instance, said March 16 that his state will craft its own lead rule, which in part will have an action limit of no more than 10 ppb--more than 30 percent lower than the current EPA standard.

Grand Rapids, Mich., continuously feeds an orthophosphate blend that allows the municipality to comply with the EPA standard. The city also replaces lead service lines that are exposed during construction projects or where there's a leak, Joellen Thompson, Grand Rapids Water System manager, told Bloomberg BNA in an email.

Thompson, like many other municipal water officials, said her city isn't waiting for the EPA to issue its revised rule before taking action on the lead issue. Property owners can get a 10-year financing deal for private property service-line replacement, and the city is contemplating loan forgiveness to make the upgrade even more appealing. St. Paul, Minn., property owners can finance the upgrade through their tax bill, paying it off over time instead of at once.

"We are doing this proactively in anticipation of regulation/rule changes that will require the entire line to be replaced whenever it is disturbed, not just a portion of the line," Thompson said.

While a Trump administration proposed budget released March 16 includes drastic cuts to the EPA, and Administrator Scott Pruitt has called for shifting more authority over environmental protections to the states, Midwestern city officials and environmental specialists said they expect the EPA to continue funding drinking water infrastructure projects and to make final a revised and stricter lead rule.

"I think lead is such a hot-button public health issue that I'd be surprised if [the rule] is delayed by the administration. I would be surprised, but it's not impossible. This is the one public health issue I don't think anyone wants to be accused of playing politics with," Tommy Holmes, American Water Works Association legislative director, told Bloomberg BNA.

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Science and Science Communication

WHITE HOUSE: OSTP pick could be coming soon Greenwire

The White House this morning said its pick for director of the Office of Science and Technology Policy would be coming soon.

In an emailed statement, a White House official said "the president recognizes the importance of relying on the best science to guide policy."

Until now, the White House has said little about its intent for a director for the office after meetings with potential candidates. The change is exaggerated ([Greenwire](#), Feb. 7).

Happer said in an interview this morning that he has not communicated with the White House since the original meeting.

"I don't think OSTP is a really high priority," he said.

The previous director of OSTP, John Holdren, played a central role in guiding White House spending on climate change research.

Presidents Obama, Clinton and George H.W. Bush also made a second appointment for the OSTP director as "Assistant to the president and be one of his senior aides," Lane said. It's unclear whether Trump intends to follow the path of a chief of staff.

The issue reappeared yesterday after the White House released more details on a new "White House Office of American Innovation."

The office reportedly is working with business leaders like Microsoft Corp. co-founder Bill Gates and Tesla Inc. CEO Elon Musk.

A spokesman confirmed yesterday that Gates was briefed on the office last week during meetings in Washington.

In a memo last night, the White House said the new office would consult with the director of the Office of Management and Budget, Domestic Policy Advisor Andrew Bremberg, Assistant to the President for Strategic Initiatives Chris Liddell, Assistant to the President for Science and Technology.

The innovation office will create task forces on various issues, including modernizing government services and information technology programs, according to the White House.

"One of the primary reasons I ran for president was the need for new thinking and real change, and I know the office will be a key part of that."

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